

HON. H. MARSHALL, OF KENTUCKY. AND HON. H. WINTER DAVIS, OF MARYLAND.

THE BILL REGULATING MUNICIPAL ELECTIONS IN THE CITY OF WASHINGTON.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 28, 1858.

The House having under consideration a bill regulating municipal elections in the City of Washington—

Mr. MARSHALL, of Kentucky, said:

I move to amend the first section of the bill by inserting after the word "male" in the eighth line, the words "citizens of the United States"; and by striking out the words "and who shall be a citizen of the United States" in the ninth line; so that it will read, "every free white male citizen of the United States, resident of the city of Washington, of the age of twenty-one years."

My proposition is, to give to citizens of the United States who have resided in this city one year prior to the election, the right to vote; and not to confer it upon every citizen of the United States who may have been here thirty days. This clause, as it now reads, is evidently intended to confer upon the foreigner who may have resided here for a year, and who may be naturalized on the day of the election, the right to vote. My amendment will have the effect to require the citizenship to run with the residence. I think there should be permanent residents connected with citizenship to confer the right of suffrage. I do not think it fair or right that the clerk in one of the Departments, who is a sojourner here, engaged upon the public business, and who does not, by being so engaged, lose, in point of law, his residence in the State from which he came, should have the right to vote in elections in the city of Washington, and whose estate is to be assessed and taxed, that the thousand and one office-holders in the city shall have, upon the factitious residence which this creates, a right to regulate and control the assessment and taxation of property, and the legislation of the persons who are permanently resident here. I do not think it right to place the control of the assessment and taxation of the property of these persons in the hands of a body of men who are not now citizens of the United States, but who may be made citizens of the United States between this day and the day of election. For that reason, I desire to cut off that provision which gives a right to vote in the ward in which he shall be on the day of election, and shall have been for thirty days preceding the election. I do not think it right or fair that persons coming here in the employment of the Government, drawing a per diem allowance or a stated salary, having no other connection with the city of Washington than as office-holders, or workmen on the public building, or on the public works, and not by that sort of employment losing their residence in the States from which they came, should have made their municipal purposes, and be enabled to tax the property of persons who are permanent residents of this city.

Mr. DAVIS, of Maryland. I move to amend the amendment of the gentleman from Kentucky by inserting here "and who shall be a citizen of the United States" in the eighth line, and I wish to make a few observations upon some of its provisions.

Mr. GOODE. I dislike to interrupt the gentleman from Maryland, but it appears to me that we are reading this bill section by section, and that it is in order to confine the debate to the amendment and section under consideration.

The CHAIRMAN. The Chair thinks that strictly speaking, the debate should be confined to the section under consideration; but the Chair understands that it has been the practice in committee to consider the whole bill open to debate.

Mr. DAVIS, of Maryland. I suppose it is competent for me to discuss the merits of the bill, and to consider the whole bill in its relation to the city of Washington, and to propose for consideration. I did not know that, as the municipal election in the city of Washington is approaching, we should have had the same proceedings repeated that have been repeated at almost every election, or preceding almost every election, for the last two or three years.

Mr. BURNETT. I suppose it is competent for me to interrupt him for a moment, I will say that I think he is laboring under a mistake when he makes the statement that a bill has been pending here for the last three or four years, preceding every election. Now, if the gentleman from Maryland will remember, the last municipal election in the city of Washington was in 1854. This is my recollection.

Mr. DAVIS, of Maryland. No, sir, it is not the last election, but the last municipal election in the city of Washington.

Mr. BURNETT. Well, sir, this bill is substantially the same as that which was pending subsequent to, and not prior to, the last municipal election in this city.

Mr. DAVIS, of Maryland. My friend from Kentucky is mistaken as to the time of the last election in the city of Washington, and as to the time of the discussion, and hence, I am quite certain in my recollection, that this law passed on the 16th of May, 1855.

Mr. DAVIS, of Maryland. My friend will, therefore, see that it was prior to the last election in the city of Washington.

But, sir, what I wish first to say is, that my friend from Virginia, (Mr. Goode), who has charge of this measure, a few weeks ago, before the House passed upon an amendment to strengthen the hands of the municipal authorities of the city of Washington. Then a number of very grave occurrences were stated to the House, and the gentleman from Virginia, in his speech, stated that the personal safety of gentlemen in the city, that I have never before seen equalled. The purpose of the bill then proposed was to secure personal safety by creating a metropolitan police, under the control of the Executive. The distinguished gentleman from Mississippi, (Mr. Gurnea), opposed that bill, upon what struck me as a profound and correct view of the subject. He stated that the bill was a violation of the physical force, but that it lay in the incompetency or in the neglect of those administering the municipal government. I entirely concur with that gentleman in that view.

I desire to say now, that we are brought for whatever purpose the bill may have been introduced, to the consideration, virtually, of the question of the government of the city of Washington; for, sir, those who shall wield the police power of the city are to be elected by the voters, whose qualifications are indicated in this bill; and I think that gentlemen who were so zealous and earnest in endeavoring to arm the Mayor with adequate power, have not, here, an opportunity to consider the principle of the honorable gentleman from Mississippi, and apply them to the construction of that power which designates the Mayor, and places in the hands of the Mayor the authority which he is to exercise. That gentleman said rightly, that we were attempting to remedy, by an increase of force, that which could only be remedied by changing the spirit whence the force was derived. That can only be changed by placing the power of election in competent and responsible hands. If that be so, what ought we to do?

We are not legislating for a city like Louisville, for a city like New York, a city like Baltimore, or a city like Boston, where there is a permanent population, whose life is to be secured by the police power of the city, and who are to be protected, and expect to die there, or who let it cast their own choice, for good or for evil. We are legislating for the Federal city, where there is a comparatively small portion of permanent residents, and where there is a great proportion of temporary residents; not merely, Mr. Chairman, a floating population, which comes and goes, but a population of persons who are here for a longer or shorter temporary residence. By those I mean, in the first place, several hundred, possibly a thousand, clerks in the various Government Departments, some of whom keep house here, others of whom do not, most of whom are not permanent residents, and look to leaving the city at the end of four years. Those persons, when they shall have resided here one year, under the terms of this bill, only having the residence of three years in the city. That class of voters can, in no sense, be said to be identified with the interests of the city of Washington. Few or none of them are owners of property, real or personal, except the furniture of their houses. There are none of them engaged in the transaction of any permanent business here. They are not interested in the success or failure of the city, and they are not dependent upon the mere will of the Government, but of any political complexion it may, for their daily bread; and they therefore combine those qualities most unfortunate when they happen to exist in the persons who are to determine an election, municipal or national. They are temporary in their residence, having no community of interests with the people whom they are to govern, and they are under the will of the political power which furnishes their bread, and may need their votes. What I say here, I do not desire to be regarded as saying in relation to the existing Administration, or the last Administration, any more than I do in reference to a future Administration. Those who hold office in the Government, in many respects, are not responsible to the people. Any Government which controls a man's bread, and does control his vote; and those who are under that control, if they form a great proportion of the population, as they do here, ought not to be allowed to exercise a direct and controlling influence in a city where they are merely temporary and passing residents. That vote is a very material one in this city. It amounts to from six hundred to one thousand, I suppose.

There is another class of individuals here to whom, I think, almost the same consideration will apply. We have here four or five great public works in progress. They are all under the control of the Government. There is a swarm of laborers—some native, others of foreign birth, and the latter great numbers being foreigners, and, whether native or naturalized, they are not identified permanently with the city of Washington, very few of them anything more than temporary residents. Here they are at the will of their employers, liable to be turned off the public works at any moment, and, under the new and little example set by the last Administration, have been turned off by the bureau simply because the political associations that vote amounts, I suppose, to considerable more than a thousand men. We have, therefore, in this city, where the largest votes ever cast was about six thousand, from fifteen hundred to two thousand men who are only temporary and passing residents, having no permanent and abiding interest in the city, dependent upon the executive authority of the Government, and who are not identified with the city, and who are directed to vote, or as may be pleasing to those in authority. It is that vote which determined the last election, and which may determine the coming one, if the majority should be within five hundred votes.

But, before we go further, I wish to say, that I do not think it right, or desirable, to determine the rights of those who keep house here; not those who pay the mass of the taxes; not those laborers who live here and expect to live here permanently; it is not the great body of the honest mechanics resident with their families, such as justly enjoy the government of Baltimore or Louisville; not those who are born here, and are citizens of the country, succeeded, I desire here, now, to lift my voice, if I can, and worse than that, without any reason to justify, or even the pretext of a reason to justify it. Sir, gentlemen of the first position and standing in Washington were there, and can testify to it. A dishonest press has attempted, for the benefit of a political party which supports it, to cover over the iniquities of that day, and it has, in consequence of the country, succeeded, I desire here, now, to lift my voice, if I can, and worse than that, without any reason to justify, or even the pretext of a reason to justify it. Sir, gentlemen of the first position and standing in Washington were there, and can testify to it. A dishonest press has attempted, for the benefit of a political party which supports it, to cover over the iniquities of that day, and it has, in consequence of the country, succeeded, I desire here, now, to lift my voice, if I can, and worse than that, without any reason to justify, or even the pretext of a reason to justify it.

Mr. NINGLETON. Will the gentleman allow me to ask him a question?

Mr. DAVIS, of Maryland. Certainly.

Mr. NINGLETON. I would like to inquire whether what investigation has been

had in this matter does not show that the whole difficulty was brought on by a band of men of his own political party coming from his own city?

Mr. GOODE. Unless this debate shall be ruled in order by the Chair, I shall feel bound to object.

Mr. DAVIS, of Maryland. I suppose, Mr. Chairman, that on a bill to remodel the governing power of Washington, the policy and conduct of the Government is a directly pertinent matter of discussion, or I should not have referred to it.

I respond with great pleasure to my friend from Mississippi. There was—so the grand jury report states—of from twelve to thirteen young men from the city of Baltimore, who came on the day of that election, and participated in a disturbance—a mutual fight at the fourth ward. The effort has been on the part of the authorities, and on the part of the press, to cover the subsequent iniquities by that indefensible intension. I trust that I have satisfied the honorable gentleman of his intension, and that he will follow me. That disturbance took place at nine o'clock in the morning. It was over in five minutes. It was for the purpose of dispersing a large body of men who had assembled at the polls, and apparently taken possession of them. It was the offspring of a momentary excitement, of mutual recriminations, arising out of the exclusive possession of the polls by one party, and not a party was the party of the Administration. That was the prevailing cause; but not a justification. There was a fight with stones and sticks for about five minutes. The crowd was dispersed. This body of men, together with a larger body of young men belonging to the city of Washington, dispersed. They left the second election precinct of the fourth ward, and did not return there again during the day.

At ten o'clock the Mayor came to the polls and saw that everything was quiet; the election was proceeding; and from that time this sudden affray took place in the morning until the appearance of the marines at that precinct at one o'clock, the vote continued with the exception of a few minutes, by consent of the voters, and the commissioners conducting the election; and the voting proceeded, by the vote-books, to have been at the rate of one and a quarter per minute, down to the appearance of the marines on the ground.

Mr. SICKLES. Will my friend allow me to interrupt him?

Mr. DAVIS, of Maryland. With pleasure.

Mr. SICKLES. I understood him to say that there never had been any investigation of a public character into the circumstances attending the riot which he refers to. If I am not misinformed, there was a judicial investigation into those circumstances; and that parties were indicted and tried for inciting that riot, and were convicted.

Mr. DAVIS, of Maryland. I thank my honorable friend for having called my attention to that circumstance. I will observe, Mr. Chairman, that the reason I happen to be familiar with these circumstances is that I was consulted as counsel for the defendants in the case, and was one of the persons who were indicted, and who were tried, and who were convicted.

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